

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:16-cv-00121-MR
(CRIMINAL CASE NO. 2:06-cr-00026-MR-1)

THIS MATTER is before the Court sua sponte. In this action, Petitioner is seeking the vacatur of his sentence imposed under the Armed Career Criminal Act, 18 U.S.C. § 924(e), asserting that certain of his predicate convictions used to enhance his sentence are now infirm in light Johnson v. United States, 135 S. Ct. 2551 (2015).

Pending in the Fourth Circuit are United States v. Thompson, No. 15-4685 (4th Cir.) (calendared for oral argument October 27, 2016), and United States v. Burns-Johnson, No. 16-4338 (4th Cir.) (calendared for oral argument December 7, 2016). The Fourth Circuit's analysis underlying its resolution of the Thompson and Burns-Johnson cases likely will provide this

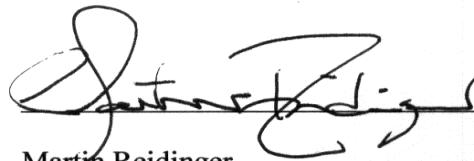
Court guidance necessary for deciding Petitioner's claim as asserted herein. Accordingly, this matter should be stayed pending the outcome of those two cases.

ORDER

IT IS, THEREFORE, ORDERED that this matter is hereby held in abeyance pending the decisions rendered by the Fourth Circuit in the Thompson and Burns-Johnson cases. The parties shall notify the Court of the opinions rendered by the Fourth Circuit in the Thompson and Burns-Johnson cases within seven days after each such matter is decided.

IT IS SO ORDERED.

Signed: November 11, 2016



Martin Reidinger
United States District Judge

